

# **Newtown Tennis Club**

## **Disciplinary Appeal Procedure**



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## Table of Contents

INTRODUCTION.....	3
DISCIPLINARY APPEAL PROCEDURE .....	3
1. Offences Leading to Disciplinary Action .....	4
2. Disciplinary Procedure .....	5
3. Disciplinary Hearing .....	6
4. Penalties .....	6
5. Appeals .....	7

## INTRODUCTION

This policy is one of a suite of policies produced by Newtown Tennis Club to ensure that the club has a set of well-defined and comprehensive policies that safeguard the safety, wellbeing and management of the club. The policies also give members who have concerns of any kind to understand how the club will manage and approach any issues and give members easy access to club management staff who can help them. This policy should be read in conjunction with other related club policies all of which can be found [here](#).

## DISCIPLINARY APPEAL PROCEDURE

Disciplinary matters, applying to all matters of Newtown Tennis Club (hereafter “the club”), will be dealt with by the Club Management Team in the first instance and if necessary, subsequently by the Full Committee and if appointed a Disciplinary Committee.

All members of the Club agree to fully comply with this code of conduct and specific codes of conduct for their role and be bound by its terms as under noted.

Disciplinary action against Club members, including expulsion without notice, may be taken for offences of misconduct or breach of club’s rules. However, it is recognised and accepted that every member:

- Has the right to expect fair and consistent treatment
- Has the right to adequate notice from the Club
- Has the right to appeal against the Management Team’s judgement or Disciplinary Committee’s decision in all disciplinary matters
- Has the right to representation
- No member will be expelled for the first breach of Club’s rules except in cases of “gross misconduct”. However, all disciplinary actions taken the club will be duly recorded and placed on file for reference at a future date.
- No member who has had any involvement in the incident(s) leading to the disciplinary procedure being invoked will be involved in the disciplinary process relating to the issue(s) in question.

## **1. Offences Leading to Disciplinary Action**

The under noted actions by members may be interpreted by the Committee to fall within this Code. However, the lists are not to be considered as fully inclusive or covering all possible offences.

Misconduct is the carrying out of an offence considered to be of a minor nature (unless frequently repeated) and will normally incur a written warning from the Club Management Team together with a demand for full and appropriate corrective action.

Examples of offences that may be considered misconduct include:

- Discourteous, crude or offensive behaviour at games, training session or organised Club event
- Conduct of an unsafe nature
- Offensive disregard for equipment or property
- Any other actions of similar gravity to the above, at the discretion of the Club Management Team

Repetition of the above offences or failure to comply with any demands made in writing by the Club Management Team may result in further action by the Club Management Team involving a disciplinary hearing.

Serious Misconduct is the carrying out of an offence of such gravity that in the opinion of the Club Management Team it warrants a Club disciplinary hearing.

Examples of offences, which may be considered as serious misconduct include:

- Misconduct offences above if especially grave or repeated
- Deliberate or consistent breaches of club rules
- Any attempt to achieve gains or advantage over others by unfair or unscrupulous means
- Theft or misappropriation
- Use of threatening or abusive behaviour
- Participating in the sport whilst under the influence of drugs or alcohol
- Malicious interference with equipment or property
- Disregard for one's own or other people's safety
- Any other action, which in the opinion of the Club Officers may bring the sport or the club into disrepute, or which left unpunished, may result in the detriment of the Club or its members.

Gross Misconduct is action of such seriousness that the Club Management Team will require the immediate expulsion of the offender from the association. The Club Management Team may by means of an executive decision summarily expel such an offender without invoking a disciplinary hearing.

The expelled member will have the right to a disciplinary hearing as soon as this can be arranged but will remain expelled until and unless such a hearing overturns the executive decision.

Examples of gross misconduct are:

- Physical violence of assault towards other persons at a Club event or related activity, including serious threatening, intimidating or forceful behaviour
- Reckless disregard of safety and basic safety rules
- Being convicted of criminal offences involving physical violence or abuse, or substance abuse
- Other acts that are considered to be of an extremely serious nature perpetrated against the Club, its members or any other party

## **2. Disciplinary Procedure**

On receipt of a written complaint from a member, another team within the sport, the governing body, the league/match organisers or any other party the Club Management Team with advice from a Legal Advisor should they so wish, will decide whether the complaint falls within the scope of this

disciplinary code. If in their opinion it does, then the Club Management Team will decide as to the type of offence as per (section 1) above.

If the offence is considered to be one of simple misconduct, the Club Management Team will write to the offender with a formal written warning including the demand for an apology or other corrective action the Club Management Team may deem appropriate. The Club Management Team will also attempt to obtain approval for their action from the complainant.

A disciplinary file will be opened by the Club Management Team in which will be placed copies and records of the original complaint, together with the written warning and any other correspondence.

The action outlined above will normally finalise the process unless any of the parties involved object strongly to the Club Management Team decision in which case they may appeal directly to the Executive Committee for a final decision.

Should the complaint be considered by the Club Management Team as one of serious misconduct, then the following procedure will be implemented:

- The Club Management Team will appoint an Investigating Officer who will research evidence presented and, if possible, will obtain further written evidence, witness statements, etc.
- If necessary, the Investigating Officer will consult all relevant witnesses for supportive evidence
- Advise complainant that if a disciplinary hearing is called, then the complainant and all relevant witnesses will be obliged to attend and give evidence. (Non attendance at a hearing will only be allowed in extenuating circumstances, i.e. Ill-health, threat of violence or intimidation etc). In such circumstances/instances a sworn declaration must be submitted to the Club Committee
- Contact the member subject of the complaint to advise of the official complaint and request the member to submit a written statement of events
- In cases of disputes of a personal nature, the Club Management Team will attempt to resolve the situation amicably and to the mutual satisfaction of the parties concerned
- If settlement cannot be agreed between the parties, or if the offence merits it, then a disciplinary hearing will be arranged as soon as possible
- Contact the Club's Legal Advisor if required and supply copies of all evidence
- Notify all parties as to the hearing date and ensure the parties have all relevant copies of paperwork in good time prior to the hearing, copies to be sent by 1st class recorded delivery

### **3. Disciplinary Hearing**

- The Club's Secretary shall take charge of the hearing and all questions will be addressed through the Secretary
- A disciplinary committee will be appointed which will consist of:
  - the club chair person
  - two or more members of the Committee
- The club will appoint a case presenter, who will normally be the Investigating Officer
- All witnesses to be interviewed and all written evidence to be reviewed at the hearing
- No witnesses or statements can be introduced at the hearing without prior notice and copies of all written evidence produced for consideration prior to the hearing, to be available in advance to the parties
- The appellant is entitled to be accompanied to the hearing by a friend not acting in a legal capacity

- The Disciplinary Committee may adjourn the hearing to allow further evidence to be referred to if the disciplinary committee considers it fair to do so
- After the Disciplinary Committee has reached a decision, the subject of the complaint to be notified in writing of such decision and informed of any penalties within 7 days of the decision being reached, penalties will be effective from the date of the decision.

#### **4. Penalties**

Following the hearing, the Disciplinary Committee will apply such penalties as the Disciplinary Committee consider appropriate, including temporary or permanent expulsion of the offender from the club, such penalties will have immediate effect, notwithstanding the possibility of an appeal in

accordance with (Section 5) under noted.

Offences of cheating or being under the influence of alcohol or drugs during a club training sessions or match or those involving threats of physical violence, will carry automatic expulsion from the club and will preclude the offender from taking part in any Club organised activity in an official capacity.

The club will in all cases comply with the requirements of the Governing body and club child protection policies including immediate notification of the police where required.

#### **5. Appeals**

If an appeal of the decision or penalty is to be made then written notice of appeal by way of 1st class recorded delivery to the Club Secretary must be given by the offender, within 28 days of being notified of the decision. No appeal will be valid or considered after that period has elapsed.

It will not be sufficient to state "I wish to appeal", the offender must give full written grounds for the appeal, stating exactly what is being appealed against and the reasons for this. An appeal together with full and recorded argument may be considered relative to:

- the decision
- the penalty
- other

An appeal hearing will be convened as soon as practicable and will consist of an Appeal Committee of 3 members of the Executive Committee who did not take part in the first hearing and who will elect their own Chairperson (who will have the casting vote).

The appellant is entitled to be accompanied to the appeal by a friend not acting in a legal capacity. New evidence cannot be presented at the appeal hearing.

## NTC Disciplinary Appeal Procedure V1

The Appeal Committee shall have power to amend or revoke any decision made at the previous disciplinary hearing. The decision of the Appeal Committee is final and binding on the parties and not subject to further appeal.